

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF
ELECTIONS, *et al.*,

Defendants,

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,

Intervenor-Defendants.

Civil Action No. 3:14-cv-00852-
REP-GBL-BMK

DECLARATION OF ROBERT A. ANGLE

I, Robert A. Angle, declare and state as follows:

1. I am licensed to practice law in the Commonwealth of Virginia and am a member of the Virginia State Bar (VSB No. 37691). I am a partner at the law firm Troutman Sanders LLP (“Troutman Sanders”). My principal areas of practice are complex commercial litigation and intellectual property litigation.

2. The Court in this matter has directed that Plaintiffs file a “truncated fee award calculation using Richmond, Virginia rates, with supporting affidavit and exhibits, if needed....” Dkt. 423. Counsel for Plaintiffs in this matter, Perkins Coie LLP (“Perkins Coie”), has asked me to address how the billable hourly rates Plaintiffs seek to recover in

this matter compare with Richmond, Virginia billable hourly rates for attorneys of similar experience and skills during the years 2017-2019.

3. I understand that Plaintiffs do not seek to recover Perkins Coie's standard billable hourly rates for the attorneys and paralegals who participated in this matter. Instead, Plaintiffs only seek to recover the "Richmond Rates" for the attorneys and paralegals as shown on Exhibit 1 hereto. Hence, my analysis below only addresses the Richmond Rates for the attorneys and paralegals shown on Exhibit 1.

Qualifications

4. I received my Bachelor of Arts from the University of Virginia in 1991 and my Juris Doctor from the University of Virginia School of Law in 1994. I passed the Virginia Bar Examination in 1994 and was licensed to practice in the Commonwealth of Virginia in 1995. From August 1994 through August 1995, I served as a law clerk to the Honorable James C. Cacheris, then the Chief Judge of the United States District Court for the Eastern District of Virginia. Following my clerkship with Judge Cacheris, I joined the Richmond office of the law firm Mays & Valentine, LLP, which subsequently merged with Troutman Sanders. I have practiced law with Troutman Sanders (and its predecessor) continuously since September 1995. I became a partner with Troutman Sanders in 2001.

5. I am admitted to practice before the Supreme Court of Virginia and have appeared in the Supreme Court of Virginia and the circuit and general district courts throughout the Commonwealth of Virginia. I am also admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Federal Circuit, the United States District

Court for the Eastern District of Virginia, the United States District Court for the Western District of Virginia, and the United States Bankruptcy Court for the Eastern District of Virginia. In addition, I have appeared or been admitted *pro hac vice* by the United States Court of Appeals for the Eighth Circuit, the United States District Court for the District of Delaware, the United States District Court for the District of Idaho, the United States District Court for the District of Iowa, the United States District Court for the District of Maryland, the United States District Court for the District of Minnesota, the United States District Court for the Eastern District of North Carolina, the United States District Court for the District of New Jersey, the United States District Court for the Eastern District of Texas, the United States District Court for the Western District of Texas, the Patent Trial and Appeal Board of the United States Patent and Trademark Office, and the Trademark Trial and Appeal Board of the United States Patent and Trademark Office.

6. I am a member of the Litigation Section of both the Virginia State Bar and the Virginia Bar Association. I am also a present or past member of the Virginia State Bar, Business Litigation Section, Board of Governors (2017-present); the Virginia State Bar, Intellectual Property Law Section, Chair (2013-14), Chair Elect (2012-13), Vice Chair (2011-12), Secretary (2010-11), Board of Governors (2006-2010); the Virginia Bar Association, Civil Litigation Section, Council Member (2014-present); the Virginia Bar Association, Intellectual Property & Information Technology Section, Chair (2011-2012), Council Member (2006-2011); the Federal Bar Association, Richmond Chapter, Past-President (2019); President (2017-18); Vice President (2016-2017); Treasurer (2015-16); Secretary (2014-15), Board Member (2012-present); and the Greater Richmond Intellectual Property Law Association, Board Member (2012-2016).

7. I have an AVTM Rating with Martindale-Hubbell and have been recognized in *Chambers USA* for Intellectual Property (Southern Virginia) (2009-2020); *Super Lawyers - Corporate Counsel Edition* for Intellectual Property Litigation and in *Virginia Super Lawyer* for Intellectual Property Litigation (2009-present); *The Best Lawyers in America* for Intellectual Property and Litigation - Patent (2010-present); *Virginia Business* “Legal Elite”, Civil Litigation (2005-2018) and Intellectual Property (2005-2019); *Benchmark Litigation Survey* as Virginia Local Litigation Star - Antitrust (2014 -2016); *AmLaw Litigation Daily* “Litigator of the Week” (April 17, 2014); and nominated in *Benchmark Litigation* as “Virginia Litigator of the Year” for 2012.

8. I regularly represent parties in complex commercial litigation and intellectual property litigation in the Richmond Division of the United States District Court for the Eastern District of Virginia (the “Eastern District of Virginia”). I also speak and write on topics relating to litigation in the Eastern District of Virginia. I have been a regular panelist on Virginia CLE’s bi-annual conference on litigating cases in the Eastern District of Virginia since 2006. See “The Rocket Docket: Trying Cases in the Eastern District of Virginia,” Virginia CLE (2006, 2008, 2010, 2012, 2014, 2016, 2018). I am also a co-author of *Federal Civil Practice in Virginia* (Virginia CLE 2018). I have been a frequent presenter on federal court practice in the Eastern District of Virginia, including *A Guide To The Eastern District of Virginia for Infrequent or Reluctant Federal Court Practitioners* (2017), and an *Introduction to the Federal Courthouse* (2014, 2013), sponsored by the Federal Bar Association, Richmond Chapter.

9. I have served previously as an expert witness on the reasonableness of attorneys’ fees and offered an opinion that was accepted and relied upon by the United

States District Court for the Eastern District of Virginia (*Signature Flight Support Corp. v. Landow Aviation LP*, Case No. 1:08cv955 (E.D. Va. 2009)), and the United States District Court for the Western District of Virginia. *See Silver Spring Splint Co. v. Digisplint, Inc.*, 567 F. Supp. 2d 847 (W.D. Va. 2008). I have also litigated issues relating to the recovery of reasonable attorneys' fees and costs in this Court. *See, e.g., Cobalt Boats, LLC v. Brunswick Corp.*, 296 F. Supp. 3d 791 (E.D. Va. 2017), *rev'd on other grounds*, 773 Fed. Appx. 611 (Fed. Cir. 2019); *Corinthian Mortg. Corp. v. ChoicePoint Precision Mktg., LLC*, Civil Action No. 1:07cv832-JCC, 2009 U.S. Dist. LEXIS 723 (E.D. Va. 2009). In addition, I have co-authored an article relating to attorneys' fees issues. *See Preserving Your Client's Claim for Attorneys' Fees: Recognizing When a Simple Claim for Attorneys' Fees Is Not So Simple*, VBA News Journal (October/November 2005).

10. Through my years of practicing law in the Commonwealth of Virginia, I have become and remain familiar with the prevailing market rates for attorneys who practice in the Eastern District of Virginia, including attorneys in the Richmond region, as well as the prevailing market rates for attorneys who practice complex litigation matters such as those at issue in this action. In my role as the head of one of the litigation practice teams in Richmond, I participate in preparing budgets and proposals for clients and potential clients, which often involves reviewing our billable rates and understanding the billable rates charged by comparable firms for similar services. I also review the billable rates of other litigators within the Richmond office and am aware of the billable rates of the attorneys and paralegals who practice in the Eastern District of Virginia.

Reasonableness of Richmond Rates Sought by Plaintiffs

11. The Court's analysis of the reasonableness of the billable hourly rates sought by Plaintiffs in this matter is guided by the prevailing market rates in the market in which the court sits for similar services by attorneys of reasonably comparable skill, experience and reputation. *Trimper v. City of Norfolk*, 58 F.3d 68, 76 (4th Cir. 1995), *cert. denied*, 516 U.S. 997 (1995). The Court should determine whether the requested rates are consistent with the prevailing market rate in the relevant community. *See Plyler v. Evatt*, 902 F.2d 273, 277 (4th Cir. 1990). "This determination is fact intensive and is best guided by what attorneys earn from paying clients for similar services in similar circumstances." *Rum Creek Coal Sales v. Caperton*, 31 F.3d 169, 175 (4th Cir. 1994) (citation omitted). "While evidence of fees paid to attorneys of comparable skill in similar circumstances is relevant, so too is the rate actually charged by the petitioning attorneys when it is shown that they have collected those rates in the past from the client." *Id.* (citing *Gusman v. Unisys Corp.*, 986 F.2d 1146 (7th Cir. 1993) (recognizing that attorney's actual billing rate provides a "starting point" for purposes of establishing a prevailing market rate)).

12. In my opinion, the hourly rates charged by Plaintiffs' attorneys and other professionals fall within the range of prevailing market rates for large law firms in the Richmond region. For example, in the case of my own firm, which is a law firm of approximately 650 attorneys with multiple offices located around the country, the hourly rates of the attorneys and other professionals in our Richmond offices are consistent with the hourly rates charged by Perkins Coie in this matter. For example, in our Richmond office, the billable rates for our partners in 2019 ranged from \$585/hour to \$855/hour; the billable rates for associates ranged from \$370/hour to \$550/hour; and the billable rates for

paralegals ranged from \$145/hour to \$270/hour. In 2018, in our Richmond office, the billable rates for partners ranged from \$475/hour to \$830/hour; the billable rates for associates ranged from \$190/hour to \$525/hour; and the billable rates for paralegals ranged from \$140/hour to \$310/hour. In 2017, in our Richmond office, the billable rates for partners ranged from \$385/hour to \$810/hour; the billable rates for associates ranged from \$180/hour to \$475/hour; and the billable rates for paralegals ranged from \$130/hour to \$300/hour.

13. In setting our billable rates each year, Troutman Sanders subscribes to reports prepared by various third parties, such as PriceWaterhouseCoopers (“PWC”) and Thomson Reuters, that provides billable rate information obtained from surveys conducted each year. The reports provided by these third parties contain survey information, obtained on a confidential basis, from comparable large law firms with offices in Richmond.

14. The PWC reports, and the surveys upon which they are based, provide reliable information about the billable rates charged by attorneys in large law firms with a presence in Richmond. Troutman Sanders relies upon reports like these, to some degree, in making determinations regarding the billable rates that Troutman Sanders charges its clients.

15. Much like the confidential surveys conducted by PWC, Thomson Reuters administers a legal benchmark tool, *Peer Monitor*, that collects annual billable rates and provides a report based upon information collected from responding firms. The *Peer Monitor* report includes information collected from 5 large national law firms that are comparable to Perkins Coie – Troutman Sanders, McGuireWoods LLP, Hunton Andrews

Kurth LLP, Vinson & Elkins LLP, and Frost Brown Todd LLP – and have offices in Richmond.

16. I have also reviewed the “Richmond Rates” of the attorneys and paralegals reflected on Perkins Coie’s invoices in this matter. In my opinion, the hourly rates charged for these attorneys and other professionals were reasonable, within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of attorneys and legal assistants of comparable experience and expertise. The following chart, comparing Perkins Coie’s Richmond Rates to the billable hourly rate data provided by PWC,¹ *Peer Monitor*,² and Troutman Sanders’ own rates for Richmond partners, associates and paralegals in 2017, supports this conclusion:

Position	Timekeeper	2017 Richmond Rate	2017 PWC Data	2017 Peer Monitor Data	2017 Troutman Sanders (Richmond)
Partner	Hamilton, Kevin J.	\$675.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Partner	Spiva, Bruce V.	\$675.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Partner	Elias, Marc E.	\$675.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Partner	Roche, John K.	\$465.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Partner	Frost, Elisabeth C.	\$490.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Partner	Khanna, Abha	\$510.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Partner	Spear, Ryan M.	\$510.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Partner	Stafford, William B.	\$505.00	\$460 - \$823	\$430 - \$761	\$385 - \$810
Associate	Branch, Aria C.	\$410.00	\$275 - \$405	\$317 - \$479	\$180 - \$475
Associate	Louijeune, Ruthzee	\$420.00	\$275 - \$405	\$317 - \$479	\$180 - \$475
Paralegal	Marino, Patricia	\$230.00	\$218 - \$285	\$125 - \$248	\$130 - \$300
Paralegal	Roberts, Rachel M.	\$180.00	\$218 - \$285	\$125 - \$248	\$130 - \$300

¹ The PWC data set for the tables in paragraph 16 reflects: (1) the low to high ranges for the 1st quartile of the “All Partner” Category; (2) 3rd quartile to 1st quartile rates for the “All Associate” category; and (3) the low to high ranges for the 1st quartile of the “Paralegal” Category.

² The *Peer Monitor* data set for the tables in paragraph 16 reflects: (1) for partner ranges, the All Partner 3rd quartile to 1st quartile; (2) for the associate ranges, the All Associate 3rd quartile to 1st quartile; and (3) for the paralegal range, the Paralegal 3rd quartile to 1st quartile.

The same comparison is provided for the 2018 calendar year:

Position	Timekeeper	2018 Richmond Rate	2018 PWC Data	2018 Peer Monitor Data	2018 Troutman Sanders (Richmond)
Partner	Hamilton, Kevin J.	\$715.00	\$705 - \$814	\$433 - \$744	\$475 - \$830
Partner	Spiva, Bruce V.	\$715.00	\$705 - \$814	\$433 - \$744	\$475 - \$830
Partner	Elias, Marc E.	\$715.00	\$705 - \$814	\$433 - \$744	\$475 - \$830
Partner	Frost, Elisabeth C.	\$530.00	\$705 - \$814	\$433 - \$744	\$475 - \$830
Partner	Khanna, Abha	\$550.00	\$705 - \$814	\$433 - \$744	\$475 - \$830
Partner	Spear, Ryan M.	\$550.00	\$705 - \$814	\$433 - \$744	\$475 - \$830
Partner	Stafford, William B.	\$545.00	\$705 - \$814	\$433 - \$744	\$475 - \$830
Associate	Branch, Aria C.	\$430.00	\$310 - \$434	\$337 - \$500	\$190 - \$525
Associate	Louijeune, Ruthzee	\$430.00	\$310 - \$434	\$337 - \$500	\$190 - \$525
Associate	Gitt Webster, Mallory	\$370.00	\$310 - \$434	\$337 - \$500	\$190 - \$525
Paralegal	Depass, Michelle	\$235.00	\$228 - \$303	\$130 - \$265	\$140 - \$310
Paralegal	Marino, Patricia	\$235.00	\$228 - \$303	\$130 - \$265	\$140 - \$310
Paralegal	Roberts, Rachel M.	N/A	N/A	N/A	N/A

The same comparison is provided for the 2019 calendar year:

Position	Timekeeper	2019 Richmond Rate	2019³ PWC Data	2019 Peer Monitor Data	2019 Troutman Sanders (Richmond)
Partner	Hamilton, Kevin J.	\$750.00	\$705 - \$814	\$467 - \$788	\$585 - \$855
Partner	Spiva, Bruce V.	\$750.00	\$705 - \$814	\$467 - \$788	\$585 - \$855
Partner	Elias, Marc E.	\$750.00	\$705 - \$814	\$467 - \$788	\$585 - \$855
Partner	Frost, Elisabeth C.	\$570.00	\$705 - \$814	\$467 - \$788	\$585 - \$855
Partner	Khanna, Abha	\$590.00	\$705 - \$814	\$467 - \$788	\$585 - \$855
Partner	Spear, Ryan M.	\$590.00	\$705 - \$814	\$467 - \$788	\$585 - \$855
Partner	Stafford, William B.	\$585.00	\$705 - \$814	\$467 - \$788	\$585 - \$855
Associate	Branch, Aria C.	\$480.00	\$310 - \$434	\$282 - \$498	\$370 - \$550
Associate	Louijeune, Ruthzee	\$480.00	\$310 - \$434	\$282 - \$498	\$370 - \$550
Associate	Gitt Webster, Mallory	\$400.00	\$310 - \$434	\$282 - \$498	\$370 - \$550
Paralegal	Depass, Michelle	\$250.00	\$228 - \$303	\$135 - \$284	\$150 - \$365
Paralegal	Marino, Patricia	\$250.00	\$228 - \$303	\$135 - \$284	\$150 - \$365
Paralegal	Roberts, Rachel M.	N/A	N/A	N/A	N/A

³ PWC lacked data for 2019 and thus the 2019 chart includes the same PWC data from 2018. In my experience, billable rates would have increased from 2018 to 2019, and thus the PWC data understates the billable rates that would have been applicable in 2019.

17. With respect to the reasonableness of the Richmond Rates charged by Perkins Coie in this matter, I have considered the PWC reports and the *Peer Monitor* surveys discussed above, the billable rates charged by my own firm as discussed above, and my experience as outlined above in this declaration. Based on the foregoing, it is my opinion that:

i. in view of the complexity of this matter and significance of the dispute to the parties, Plaintiffs were reasonable in choosing Messrs. Hamilton, Elias, Spiva and the experienced team of Perkins Coie litigators to represent them in this matter.

ii. the hourly rates charged during the relevant period for an attorney like Mr. Hamilton, a partner with Perkins Coie, with more than thirty years of experience (as of 2017) with election and political law, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

iii. the hourly rates charged during the relevant period for an attorney like Mr. Elias, a partner with Perkins Coie, with more than twenty-four years of experience (as of 2017) with litigation involving politics, campaign finance, voting rights, and significant experience representing clients in the Eastern District of Virginia, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

iv. the hourly rates charged during the relevant period for an attorney like Mr. Spiva, a partner with Perkins Coie, with twenty-five years of experience (as of 2017) with election and political law were reasonable, well within the prevailing market

range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

v. the hourly rates charged during the relevant period for an attorney like Mr. Roche, a partner with Perkins Coie, with more than thirteen years of experience (as of 2017) with complex commercial litigation, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

vi. the hourly rates charged during the relevant period for an attorney like Ms. Frost, a partner with Perkins Coie, with ten years of experience (as of 2017) with redistricting, voting rights, and campaign finance litigation, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

vii. the hourly rates charged during the relevant period for an attorney like Ms. Khanna, a partner with Perkins Coie, with ten years of experience (as of 2017) with complex litigation including intellectual property, antitrust, commercial contract disputes, constitutional issues, and political law, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

viii. the hourly rates charged during the relevant period for an attorney like Mr. Spear, a partner with Perkins Coie, with ten years of experience (as of 2017)

handling complex litigation involving free speech, privacy, and security, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

ix. the hourly rates charged during the relevant period for an attorney like Mr. Stafford, a partner with Perkins Coie, with ten years of experience (as of 2017) handling complex litigation involving labor and employment, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

x. the hourly rates charged during the relevant period for an attorney like Ms. Branch, an associate with Perkins Coie, with five years of experience (as of 2017) within the firm's political law practice, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

xi. the hourly rates charged during the relevant period for an attorney like Ms. Louijeune, an associate with Perkins Coie, with three years of experience (as of 2017) within the firm's political law practice, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

xii. the hourly rates charged during the relevant period for an attorney like Ms. Webster, an associate with Perkins Coie, with two years of experience (as of 2017) in business litigation and labor & employment law, were reasonable, well within

the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

xiii. the hourly rates charged during the relevant period for Ms. Depass, Ms. Marino, and Ms. Roberts, experienced paralegals with 18, 19, and 4 years of experience, respectively, handling complex litigation with Perkins Coie, were reasonable, well within the prevailing market range in Richmond, and in line with rates charged by comparable law firms in the Richmond area for the services of an attorney of comparable experience and expertise.

18. In sum, based on the foregoing, I believe the Richmond Rates sought by Plaintiffs in this matter are reasonable and consistent with the billable hourly rates charged by comparable law firms in the Richmond area for the services of attorneys and paralegals of comparable experience and expertise.

19. I am being compensated in the amount of \$895 an hour for the time devoted to enable me to prepare this Declaration expressing my opinions. My compensation is not contingent in any way on the outcome of Plaintiffs' application for attorneys' fees or upon the content of this affidavit. With the exception of my engagement in this matter, I have no business or financial relationship with the Plaintiffs' counsel. I have never represented Plaintiffs in my practice of law, and Troutman Sanders has no ongoing relationship with Plaintiffs.

20. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on May 8, 2020.

/s/ Robert A. Angle

Robert A. Angle

EXHIBIT 1

Timekeeper	2017 Richmond Rate	2018 Richmond Rate	2019 Richmond Rate
Branch, Aria C.	\$410.00	\$430.00	\$480.00
Depass, Michelle	n/a	\$235.00	\$250.00
Elias, Marc E.	\$675.00	\$715.00	\$750.00
Frost, Elisabeth C.	\$490.00	\$530.00	\$570.00
Gitt Webster, Mallory	n/a	\$370.00	\$400.00
Hamilton, Kevin J.	\$675.00	\$715.00	\$750.00
Khanna, Abha	\$510.00	\$550.00	\$590.00
Louijeune, Ruthzee	\$420.00	\$430.00	\$480.00
Marino, Patricia	\$230.00	\$235.00	\$250.00
Roberts, Rachel M.	\$180.00	n/a	n/a
Roche, John K.	\$465.00	n/a	n/a
Spear, Ryan M.	\$510.00	\$550.00	\$590.00
Spiva, Bruce V.	\$675.00	\$715.00	\$750.00
Stafford, William B.	\$505.00	\$545.00	\$585.00